

1 Andrew H. Wilson
2 WILSON, RYAN & CAMPILONGO
3 235 Montgomery Street
4 Suite 450
5 San Francisco, California 94104
6 (415) 391-3900

7 Laurie J. Bartilson
8 BOWLES & MOXON
9 6255 Sunset Boulevard, Suite 2000
10 Hollywood, CA 90028
11 (213) 953-3360

12 Attorneys for Plaintiff and
13 Cross-defendant CHURCH OF
14 SCIENTOLOGY INTERNATIONAL

RECEIVED

JAN 06 1994

HUB LAW OFFICES

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 FOR THE COUNTY OF MARIN

17 CHURCH OF SCIENTOLOGY) CASE NO. 157 680
18 INTERNATIONAL, a California not-)
19 for-profit religious corporation;) NOTICE OF MOTION AND
20 Plaintiffs,) MOTION TO STRIKE GERALD
21 vs.) ARMSTRONG'S VERIFIED CROSS-
22) COMPLAINT FOR ABUSE OF
23 GERALD ARMSTRONG; MICHAEL WALTON;) PROCESS OR IN THE
24 et al.,) ALTERNATIVE TO STRIKE
25 Defendants.) PORTIONS THEREOF
26) DATE: February 11, 1994
27) TIME: 9:00 a.m.
28) DEPT: 1
29)
30 GERALD ARMSTRONG,) DISCOVERY CUT-OFF: None
31 Cross-Complainant,) MOTION CUT-OFF: None
32 vs.) TRIAL DATE: None
33)
34)
35 THE CHURCH OF SCIENTOLOGY)
36 INTERNATIONAL, a California)
37 Corporation; DAVID MISCAVIGE;)
38 DOES 1 to 100;)
39 Cross-Defendants.)

40 TO CROSS-COMPLAINANT GERALD ARMSTRONG, DEFENDANTS AND THEIR
41 ATTORNEYS OF RECORD:

1 PLEASE TAKE NOTICE that on February 11, 1994, at 9:00 a.m.
2 or as soon thereafter as the matter may be heard in Department 1
3 of the above-entitled Court, located at 3501 Civic Center Drive,
4 San Rafael, California, 94103-4177, plaintiff and cross-defendant
5 Church of Scientology International ("the Church"), will and
6 hereby does move this Court for an order:

7 (1) Striking Armstrong's Verified Cross-Complaint for abuse
8 of process in its entirety, pursuant to C.C.P. §§ 436 and 431.10,
9 on the grounds that the amended Cross-Complaint is replete with
10 the improper, irrelevant and extraneous allegations, including:
11 (a) allegations of evidentiary rather than ultimate fact; (b)
12 allegations which are unnecessarily scandalous and inflammatory;
13 (c) allegations interjected to create prejudice rather than to
14 allege claims of this cross-complainant against this cross-
15 defendant; and/or (d) allegations which concern matters which are
16 too remote in time to relate to any alleged cause of action; or,
17 in the alternative,

18 (2) Striking portions of Armstrong's amended Cross-
19 Complaint, pursuant to C.C.P. §§ 436, 431.10 and §425.14, on the
20 grounds that the portions of the amended Cross-Complaint listed
21 are irrelevant, false and/or improper because they are: (a)
22 statements of evidentiary facts rather than ultimate facts; (b)
23 unnecessarily scandalous and inflammatory; (c) interjected to
24 create prejudice rather than to allege claims of this cross-
25 complainant against this cross-defendant; (d) concern matters
26 which are too remote in time to relate to any alleged cause of
27 action and/or (e) purport to state a claim for punitive or
28 exemplary damages against a religious corporation. Those

1 portions of the Cross-Complaint to be alternatively stricken are
2 the following:

3 a. Page 2, line 28 - page 3, line 7, paragraph 6,: "The
4 designation of CSI as a 'church' or religious entity is a sham
5 contrived to exploit protection of the First Amendment of the
6 United States Constitution and to justify their criminal, and
7 tortious acts against ARMSTRONG and others. Cross-defendant
8 corporation is an international, money-making politically
9 motivated enterprise which subjugates and exploits its employees
10 and customers with coercive psychological techniques, threat of
11 violence and blackmail";

12 b. Page 4, line 25 - Page 6, line 13, paragraph 10, in its
13 entirety;

14 c. Page 5, lines 14 - 25, paragraph 11, in its entirety;

15 d. Page 5, line 26 - page 6, line 25, paragraph 12, in its
16 entirety;

17 e. Page 6, line 26 - page 7, line 13, paragraph 13, in its
18 entirety;

19 f. Page 7, line 14 - page 8, line 10, paragraph 14, in its
20 entirety;

21 g. Page 8, lines 11 - 21, paragraph 15 in its entirety;

22 h. Page 8, line 22 - page 9, line 20, paragraph 16, in its
23 entirety;

24 i. Page 9, lines 21 - 28, paragraph 17, in its entirety;

25 j. Page 10, line 16 - page 11, line 4, paragraph 20 in its
26 entirety;

27 k. Page 11, lines 9 - 22, paragraph 22, in its entirety;

28 l. Page 11, line 23 - page 12, line 13, paragraph 23, in

- 1 its entirety;
- 2 m. Page 12, lines 14 - 23, paragraph 24, in its entirety;
- 3 n. Page 13, line 24 - page 13, line 7, paragraph 25, in its
4 entirety;
- 5 o. Page 13, lines 8 - 18, paragraph 26, in its entirety;
- 6 p. Page 13, lines 19 - 25, paragraph 27, in its entirety;
- 7 q. Page 13, line 26 - page 14, line 1, paragraph 28, in its
8 entirety;
- 9 r. Page 14, lines 2 - 9, paragraph 29, in its entirety;
- 10 s. Page 14, lines 10 - 21, paragraph 30, in its entirety;
- 11 t. Page 14, lines 22 - 28, paragraph 31, in its entirety;
- 12 u. Page 15, lines 1-13, paragraph 32, in its entirety;
- 13 v. Page 15, lines 14 - 21, paragraph 33, in its entirety;
- 14 w. Page 15, line 22 - page 16, line 9, paragraph 34, in its
15 entirety;
- 16 x. Page 16, lines 10 - 15, paragraph 35, in its entirety;
- 17 y. Page 15, lines 16 - 21, paragraph 36, in its entirety;
- 18 z. Page 17, lines 13 - 24, paragraph 39, in its entirety;
- 19 aa. Page 17, line 25 - page 18, line 4, paragraph 44, in
20 its entirety;
- 21 ab. Page 18, lines 5 - 27, paragraph 41, in its entirety;
- 22 ac. Page 18, line 28 - page 19, line 7, paragraph 46, in
23 its entirety;
- 24 ad. Page 19, lines 8 - 14, paragraph 43, in its entirety;
- 25 ae. Page 19, line 15 - page 20, line 18, paragraph 44, in
26 its entirety;
- 27 af. Page 20, lines 19 - 27, paragraph 45, in its entirety;
- 28 ag. Page 20, line 28 - page 21, line 16, paragraph 46, in

1 its entirety;

2 ah. Page 21, line 17 - page 22, line 15, paragraph 47, in

3 its entirety;

4 ai. Page 22, line 16 - page 23, line 25, paragraph 48 in

5 its entirety;

6 aj. Page 23, line 26 - page 24, line 19, paragraph 49 in

7 its entirety;

8 ak. Page 24, line 20 - page 25, line 5, paragraph 50, in

9 its entirety;

10 al. Page 25, lines 6 - 27, paragraph 51, in its entirety;

11 am. Page 25, line 28 - page 27, line 10, paragraph 52, in

12 its entirety;

13 an. Page 27, lines 11 - 19, paragraph 53, in its entirety;

14 ao. Page 28, lines 6 - 19, paragraph 56, in its entirety;

15 and

16 ap. Page 30, line 5, paragraph 2, in its entirety.

17 This Motion is made pursuant to this Notice of Motion and

18 Motion, the Memorandum of Points and Authorities filed and served

19 concurrently herewith, any supplemental points and authorities

20 filed by these defendants, the pleadings and record on file

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1 herein, and upon such other and further evidence as may properly
2 come before the Court.

3 DATED: January 4, 1994

Respectfully submitted,

4 BOWLES & MOXON

5
6 By: 
Laurie J. Bartilson

7
8 Andrew H. Wilson
WILSON, RYAN & CAMPILONGO

9 Attorneys for Plaintiff and
10 Cross-Defendant
CHURCH OF SCIENTOLOGY
11 INTERNATIONAL

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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Boulevard, Suite 2000, Los Angeles, CA 90028.

On January 3, 1994, I served the foregoing document described as NOTICE OF MOTION AND MOTION TO STRIKE GERALD ARMSTRONG'S VERIFIED COMPLAINT FOR ABUSE OF PROCESS OR IN THE ALTERNATIVE TO STRIKE PORTIONS THEREOF on interested parties in this action,

by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

by placing the original true copies thereof in sealed envelopes addressed as follows:

FORD GREENE
HUB Law Offices
711 Sir Francis Drake Blvd.
San Anselmo, CA 94960-1949

MICHAEL WALTON
707 Fawn Drive
San Anselmo, CA 94960

BY MAIL

*I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

Executed on January 3, 1994 at Los Angeles, California.

**(BY PERSONAL SERVICE) I delivered such envelopes by hand to the offices of the addressees.

[]** Such envelopes were hand delivered by
Messenger Service

Executed on _____, at Los Angeles, California.

[X] (State) I declare under penalty of the laws of
the State of California that the above is true and
correct.

[] (Federal) I declare that I am employed in the
office of a member of the bar of this court at
whose direction the service was made.

Print or Type Name

Signature

* (By Mail, signature must be of person depositing
envelope in mail slot, box or bag)

** (For personal service signature must be that of
messenger)